

**SENATE JOURNAL
66TH LEGISLATURE
SIXTIETH LEGISLATIVE DAY**

Helena, Montana
March 23, 2019

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/23/2019

Correctly printed: **SB 173, SB 317, SB 318, SB 320, SB 335, SB 348, SB 349, SB 350, SB 351, SB 352, SR 43, SR 47, SR 48, SJ 18, HB 129, HB 243, HB 275, HB 285, HB 327, HB 386, HB 520, HB 535.**

Correctly engrossed: **SB 329, SB 330, SB 325, HB 262, HB 428.**

Examined by the sponsor and found to be correct: **SB 59, SB 84, SB 85, SB 248, SB 260, SR 17, SR 18, SR 19.**

Transmitted to the House: **HB 132, HB 229, HB 388, HB 619.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair):

3/22/2019

SB 170, do pass.

HB 24, be concurred in.

HB 158, be concurred in.

HB 192, be concurred in.

HB 212, be concurred in.

HB 262, be amended as follows:

1. Page 1, line 13.

Following: "proceeds"

Insert: "not otherwise designated for a specific use pursuant to court order"

2. Page 1, line 20.

Following: "proceeds"

Insert: "not otherwise designated for a specific use pursuant to court order"

3. Page 1, line 20.

Following: "biennium."

Insert: "Funds that are otherwise obligated to implement the provisions of the settlement agreement are not considered part of the balance of the state special revenue account."

4. Page 1, line 30.

Following: "proceeds"

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Insert: "not otherwise designated for a specific use pursuant to court order"

5. Page 2, line 6.

Following: "biennium."

Insert: "Funds that are otherwise obligated to implement the provisions of the settlement agreement are not considered part of the balance of the state special revenue account."

6. Page 2, line 6.

Following: "proceeds"

Insert: "not otherwise designated for a specific use pursuant to court order"

And, as amended, be concurred in.

HB 428, be amended as follows:

1. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 14.

Following: "90-6-709"

Insert: "and must provide that the Indian tribal government shall require its tribal law enforcement to coordinate law enforcement activities with state and local law enforcement."

3. Page 2.

Following: line 29

Insert: "NEW SECTION. Section 8. Termination. [This act] terminates June 30, 2025."

And, as amended, be concurred in.

HB 638, be concurred in.

NATURAL RESOURCES (Welborn, Chair):

3/22/2019

SB 329, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "RENEWAL"

Insert: "PROCESSING"

2. Page 1, line 12.

Following: "Duration of lease"

Insert: "-- extension"

3. Page 1, line 24 through line 25.

Strike: subsection (iii) in its entirety

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Insert: "(2)(a) An extension issued under subsection (1)(b)(ii)(B):

- (i) may not exceed 10 years;
 - (ii) must be accompanied by a \$2,500 processing fee; and
 - (iii) must include bonus, rental, and royalty amounts or terms as determined by the board.
- (b) The board may not issue more than one extension to a lease."

4. Page 1, line 26.

Strike: "(2)"

Insert: "(3)"

And, as amended, do pass.

HB 328, be concurred in.

HJ 14, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

3/22/2019

HB 204, be concurred in.

HB 319, be concurred in.

HJ 24, be concurred in.

HJ 27, be concurred in.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/22/2019

SB 9, introduced by D. Salomon

SB 292, introduced by R. Webb

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/22/2019

SB 12, introduced by D. Salomon

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 353, introduced by J. Cohenour, M. Cuffe, referred to Highways and Transportation.

SB 354, introduced by A. Olszewski, D. Ankney, D. Bartel, B. Beard, D. Bedey, K. Bogner, B. Brown, D. Brown, M. Cuffe, A. Doane, J. Dooling, N. Duram, J. Ellsworth, J. Fielder, B. Gillespie, C. Glimm, S. Greef, S. Gunderson, G. Hertz, S. Hinebauch, D. Howard, D. Kary, J. Kassmier, B. Keenan, D. Loge, F. Mandeville, T. Manzella, W. McKamey, M. Noland, R. Osmundson, A. Redfield, D. Skees, C. Smith, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, R. Webb, K.

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White, D. Zolnikov, referred to Judiciary.

The following Senate bills, previously introduced, were referred to committees:

SB 350, introduced by J. Cohenour, J. Welborn, referred to Highways and Transportation.

SB 352, introduced by F. Thomas, B. Tschida, referred to Finance and Claims.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 125 - Senator Fitzpatrick moved **SB 125** do pass.

SB 125 - Senator Fitzpatrick moved **SB 125**, second reading copy, be amended as follows:

1. Page 5, line 26.

Following: "2020"

Insert: "and each year thereafter"

2. Page 5, line 27.

Following: "Montana residents"

Strike: "from 2019"

3. Page 5, line 30.

Following: "~~in this state,~~"

Insert: "from the prior calendar year,"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

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Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 125 - As amended, **SB 125** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 37 - Senator Welborn moved **HB 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

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Total 1

Absent or not voting: None.

Total 0

HB 190 - Senator Vance moved **HB 190** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.

Total 47

Nays: Brown, Webb.

Total 2

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 234 - Senator Ellis moved **HB 234** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

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HB 268 - Senator Esp moved **HB 268** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 282 - Senator Sands moved **HB 282** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 297 - Senator Kary moved **HB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

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Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 305 - Senator D. Brown moved **HB 305** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 624 - Senator Boland moved **HB 624** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F,

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Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.

Total 46

Nays: Ankney, Vance, Welborn.

Total 3

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 46 passed as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 173 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Webber.

Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 23

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 317 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith

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C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Brown.
Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 318 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 320 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Esp.

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Total 1

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 243 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 275 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

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Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 327 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 45

Nays: Ellis, Gross, McConnell, Pomnichowski.

Total 4

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

HB 386 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

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Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

Senator Esp arose on a point of personal privilege and thanked members for their support and good wishes this past week.

MOTIONS

Majority Leader Thomas moved that **SB 347** be taken from the Business, Labor, and Economic Affairs Committee, and re-referred to the Judiciary Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 25, 2019, the sixty-first legislative day. Motion carried.

Senate adjourned at 9:45 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate